

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DAWN HANNAH,

Plaintiff,

v.

JOHNSON & JOHNSON INC., et al.,

Defendants.

Civil Action No. 18-1422 (FLW) (LHG)

ORDER

AMY JOHNSON, et al.,

Plaintiffs,

v.

JOHNSON & JOHNSON INC., et al.,

Defendants.

Civil Action No. 18-1423 (FLW) (LHG)

MAUREEN KASSIMALI, et al.,

Plaintiffs,

v.

JOHNSON & JOHNSON INC., et al.,

Defendants.

Civil Action No. 18-5534 (FLW) (LHG)

DARREN CARTWRIGHT, *Individually and
on Behalf of the Estate of Patricia Cartwright,
Deceased, et al.*

Civil Action No. 18-5535 (FLW) (LHG)

Plaintiffs,

v.

JOHNSON & JOHNSON, et al.,

Defendants.

SHERRON GAVIN, *Individually and on Behalf of all Distributees of the Estate of Rosalyn Gavin, Deceased, et al.*,

Plaintiffs,

v.

JOHNSON & JOHNSON INC., et al.,

Defendants.

Civil Action No. 18-10319 (FLW) (LHG)

AMANDA REISING, *Individually and on Behalf of the Estate of Christine Reising, Deceased, et al.*,

Plaintiffs,

v.

JOHNSON & JOHNSON, et al.,

Defendants.

Civil Action No. 18-10320 (FLW) (LHG)

CYNTHIA GIBSON, *Individually and on Behalf of the Estate of Devin Gibson, Deceased, et al.*,

Civil Action No. 18-14637 (FLW) (LHG)

Plaintiffs,

v.

JOHNSON & JOHNSON INC., et al.,

Defendants.

ELEANOR BARSH, et al.,

Plaintiffs,

v.

Civil Action No. 18-17103 (FLW) (LHG)

JOHNSON & JOHNSON, et al.,

Defendants.

LISA HITTNER, et al.,

Plaintiffs,

v.

Civil Action No. 18-17106 (FLW) (LHG)

JOHNSON & JOHNSON INC., et al.,

Defendants.

TASHAY BENFORD, et al.,

Plaintiffs,

v.

Civil Action No. 19-5590 (FLW) (LHG)

JOHNSON & JOHNSON INC., et al.,

Defendants.

LAURA MCCONNELL, et al.,

Plaintiffs,

v.

JOHNSON & JOHNSON, et al.,

Defendants.

CYNTHIA KANNADY, et al.,

Plaintiffs,

v.

JOHNSON & JOHNSON, et al.,

Defendants.

Civil Action No. 19-9365 (FLW) (LHG)

Civil Action No. 19-13476 (FLW) (LHG)

These matters, twelve of the transferred cases in the Johnson & Johnson Talcum Powder Products multidistrict litigation (“MDL”), each come before the Court upon the following motions:

1. Plaintiffs’ twelve Motions to remand. *See* Mot. to Remand, ECF No. 65, *Hannah v. Johnson & Johnson, Inc.*, No. 18-1422 (D.N.J. Mar. 5, 2018); Mot. to Remand, ECF No. 83, *Johnson v. Johnson & Johnson, Inc.*, No. 18-1423 (D.N.J. Sept. 26, 2018); Mot. to Remand, ECF No. 85, *Kassimali v. Johnson & Johnson, Inc.*, No. 18-5534 (D.N.J. July 25, 2018); Mot. to Remand, ECF No. 73, *Cartwright v. Johnson & Johnson*, No. 18-5535 (D.N.J. July 25, 2018); Mot. to Remand, ECF No. 92, *Gavin v. Johnson & Johnson Consumer Inc.*, No. 18-10319 (D.N.J. Sept. 26, 2018); Mot. to Remand, ECF No. 87, *Reising v. Johnson & Johnson*, No. 18-10320

(D.N.J. Sept. 26, 2018); Mot. to Remand, ECF No. 72, *Gibson v. Johnson & Johnson*, No. 18-14637 (D.N.J. Nov. 1, 2018); Mot. to Remand, ECF No. 77, *Barsh v. Johnson & Johnson*, No. 18-17103 (D.N.J. Jan. 9, 2019); Mot. to Remand, ECF No. 66, *Hittler v. Johnson & Johnson, Inc.*, No. 18-17106 (D.N.J. Jan. 7, 2019); Mot. to Remand, ECF No. 75, *Benford v. Johnson & Johnson*, No. 19-5590 (D.N.J. Mar. 8, 2019); Mot. to Remand, ECF No. 89, *McConnell v. Johnson & Johnson*, No. 19-9365 (D.N.J. May 2, 2019); Mot. to Remand, ECF No. 56, *Kannady v. Johnson & Johnson*, No. 19-13476 (D.N.J. July 5, 2019).

2. Defendant PTI Royston, LLC's nine Motions to Dismiss. *See* ECF No. 82, *Hannah*, No. 18-1422 (D.N.J. June 12, 2018); ECF No. 78, *Johnson*, No. 18-1423 (D.N.J. June 12, 2018); ECF No. 79, *Kassimali*, No. 18-5534 (D.N.J. June 12, 2018); ECF No. 68, *Cartwright*, No. 18-5535 (D.N.J. June 12, 2018); ECF No. 86, *Gavin*, No. 18-10319 (D.N.J. July 9, 2018); ECF No. 82, *Reising*, No. 18-10320 (D.N.J. July 9, 2018); ECF No. 78, *Gibson*, No. 18-14637 (D.N.J. Nov. 5, 2018); ECF No. 79, *Barsh*, No. 18-17103 (D.N.J. Jan. 10, 2019); ECF No. 70, *Hittler*, No. 18-17106 (D.N.J. Jan. 11, 2019); ECF No. 81, *Benford*, No. 19-5590 (D.N.J. Mar. 15, 2019); ECF No. 94, *McConnell*, No. 19-9365 (D.N.J. May 8, 2019); ECF No. 51, *Kannady*, No. 19-13476 (D.N.J. July 2, 2019).

3. Defendant PTI Union, LLC's eight Motions to Sever, (ECF No. 80, *Johnson*, No. 18-1423 (D.N.J. June 12, 2018); ECF No. 81, *Kassimali*, No. 18-5534 (D.N.J. June 12, 2018); ECF No. 70, *Cartwright*, No. 18-5535 (D.N.J. June 12, 2018); ECF No. 88, *Gavin*, No. 18-10319 (D.N.J. July 9, 2018); ECF No. 84, *Reising*, No. 18-10320 (D.N.J. July 9, 2018); ECF No. 77, *Gibson*, No. 18-14637 (D.N.J. Nov. 5, 2018); ECF No. 81, *Barsh*, No. 18-17103 (D.N.J. Jan. 10, 2019); ECF No. 74, *Hittler*, No. 18-17106 (D.N.J. Jan. 11, 2019)).

The Court having considered the parties' submissions in connection with the above-listed motions pursuant to Fed. R. Civ. P. 78, for the reasons set forth in the accompanying Opinion filed on this date, and other good cause shown,

IT IS on this 29th day of June, 2020,

ORDERED that:

1. Plaintiffs' Motions to Remand in *Hannah* and *Cartwright* (ECF No. 65, *Hannah*, No. 18-1422; ECF No. 73, *Cartwright*, No. 18-5535) are **GRANTED**; *Hannah* and *Cartwright* are hereby remanded to state court in Missouri.
2. Plaintiffs' Motions to Remand in *Johnson*, *Kassimali*, *Gavin*, *Reising*, *Gibson*, *Hittler*, *Benford*, *McConnell*, and *Kannady* (ECF No. 83, *Johnson*, No. 18-1423; ECF No. 85, *Kassimali*, No. 18-5534; ECF No. 92, *Gavin*, No. 18-10319; ECF No. 87, *Reising*, No. 18-10320; ECF No. 72, *Gibson*, No. 18-14637; ECF No. 66, *Hittler*, No. 18-17106; ECF No. 75, *Benford*, No. 19-5590; ECF No. 89, *McConnell*, No. 19-9365; ECF No. 56, *Kannady*, No. 19-13476) are **GRANTED**, in part, and **DENIED**, in part as follows: *Johnson*, *Kassimali*, *Gavin*, *Reising*, *Gibson*, *Hittler*, *Benford*, *McConnell*, and *Kannady* are hereby remanded, with the exception of the individual plaintiffs, listed in paragraph 6 of this Order, who are severed from these multi-plaintiff complaints and are each directed to file a separate complaint in this MDL.
3. Plaintiffs' Motion to Remand in *Barsh* (ECF No. 77, *Barsh*, No. 18-17103) is **DENIED**.
4. Defendant PTI Royston's Motions to Dismiss in *Johnson*, *Kassimali*, *Gavin*, *Reising*, *Gibson*, *Barsh*, *Hittler*, *Benford*, *McConnell*, and *Kannady* (ECF No. 78, *Johnson*, No. 18-1423; ECF No. 79, *Kassimali*, No. 18-5534; ECF No. 86, *Gavin*, No. 18-10319; ECF No. 82, *Reising*, No. 18-10320; ECF No. 78, *Gibson*, No. 18-14637; ECF No. 79,

Barsh, No. 18-17103; ECF No. 70, *Hittler*, No. 18-17106; ECF No. 81, *Benford*, No. 19-5590; ECF No. 94, *McConnell*, No. 19-9365; ECF No. 51, *Kannady*, No. 19-13476)

are **GRANTED** as to those plaintiffs listed in paragraph 6 of this Order, whose claims remain in this MDL.

5. Defendant PTI Union's eight Motions to Sever (ECF No. 80, *Johnson*, No. 18-1423; ECF No. 81, *Kassimali*, No. 18-5534; ECF No. 70, *Cartwright*, No. 18-5535; ECF No. 88, *Gavin*, No. 18-10319; ECF No. 84, *Reising*, No. 18-10320; ECF No. 77, *Gibson*, No. 18-14637; ECF No. 81, *Barsh*, No. 18-17103; ECF No. 74, *Hittler*, No. 18-17106) are **GRANTED** as to those plaintiffs, identified in paragraph 6 of this Order, as remaining in this MDL and who are directed to file individual complaints.

6. The claims of all Missouri Plaintiffs who filed their action after June 6, 2018; all Florida Plaintiffs who filed their action before June 6, 2018; and all Plaintiffs who are not citizens of California, Florida, Georgia, New Jersey, or Missouri in *Johnson*, *Kassimali*, *Gavin*, *Reising*, *Gibson*, *Hittler*, *Benford*, *McConnell*, and *Kannady* are hereby severed as follows:

i. The severed Plaintiffs who are Missouri citizens or allege they purchased the products in Missouri must refile their complaints within thirty (30) days of the entry of this Order and pay the attendant filing fees. The severed cases shall proceed separately under their own name and docket number. In each of their refiled complaints, they may name as defendants Imerys Talc America Inc., f/k/a Luzenac America, Inc.; PTI Union, LLC; Johnson & Johnson Inc.; and Johnson & Johnson Consumer, Inc., f/k/a Johnson & Johnson Consumer Companies, Inc. The following plaintiffs fall into this category.:

a. In *Johnson*, the plaintiff is: Judith Hovorka.

- b. In *Kassimali*, the plaintiff is: Maureen Kassimali.
- c. In *Gavin*, the plaintiff is: Margaret Chitwood.
- d. In *Reising*, the plaintiff is: Gloria Barotta.
- e. In *Barsh*, the plaintiffs are: Eleanor Barsh, Mary Simmons, Rosalind Weathers, and Bridget Mendoza.
- f. In *Hittler*, the plaintiff is: Lisa Hittler.
- g. In *Benford*, the plaintiffs are: Tashay Benford, Sandra K. Bales, Donald Dibbern, Cathy Foss, William Furlow, Karen Gotzler, Sheila Hoffman, Ronnie Jones, and Colleen Lightwine.
- h. In *McConnell*, the plaintiffs are: Laura McConnell, Frankie Bolus, Carolyn F. Bumphrey, Karen Ernst, David Prinster, and Heather Sisk.
- i. In *Kannady*, the plaintiffs are: Cynthia Kannady, Laura Armes, Darla Baswell, Priscilla Bodony, Carol Calhoun, Beth Filley, Deborah McCormick, and Ruby Schmidt.

ii. The non-Missouri Plaintiffs' claims against Defendants Johnson & Johnson, or Johnson & Johnson, Inc., and Johnson & Johnson Consumer Inc., f/k/a Johnson & Johnson Consumer Companies, Inc., are **DISMISSED** for lack of personal jurisdiction. Those Plaintiffs may file separate complaints against only defendants PTI Union and Imerys in this MDL, and pay the attendant filing fees, within thirty (45) days of the entry of this Order. The following Plaintiffs fall into this category:

- a. The Court severs the claims of the following plaintiffs from *Johnson*: Patricia Adolph, Marcia Balsbaugh, Christine Bass, Fay Bean, Camilla Belgrad, Mamie Bell, Laura Blythe, Valarie Breaux,

Joan Browning, LaTonya Bryson, Patricia Cichosz, Amy Delcourt, William Eledge, Lenda Folks, Cynthia Franklin, Tanya Fritz, Darlene Goetsch, Mary Harper, Alvertis Harrell, Eileen Hattan, Kristen Hertel, Pamela Hinkle, Amy Elaine Pelton, Donna Houser, Tanya Hoyle, Abigail Hunt, Joyce Knox, Michelle Cardente, Deborah Lewandowski, Victoria Longo, Michelle Magliochetti, Anna Martin, Marry Martinez, Barbara Matthews, Deidre McNamara, Linda Miller, Claudine Mitchell, LaTasha Mosley, Patricia Oclander, Caroyln Perkola, Tammy Pfeiffer, Traci Pixler, Erika Price, Deborah Roberts, Judy Robertson, Vicky Rose, Regina Ruff, Elizabeth Schweers, Raymond Spano, Betty Sperry, David Tkacik, James Stelk, Amie Sudds, Jacquelyn Sullivan, Judy Terry, Susan Klaumann, Laurel Uyama Wagner, Ana Valencia, Lori H. Ward, Jessica Woods, and Michelle Zurowski.

b. The Court severs the claims of the following plaintiffs from *Kassimali*: Luz Maria Alvarez, Susie Atkinson, Laura Avery, Martha Beasley, Vanessa Blair, Catalina Bodiriau, Sherry Lenie Chapman, Diana Coomer, Betsy Corcoran, Deborah Cruse, Lonnette Duell, Lezlie Fletcher, Claudia Flores, Dixie Flores, Rebecca Fournier, Anna Gardner, Erika Gonzales, Brenda Gumm, Shelly Heuertz, Haley Houston, Berna Hutchinson, Wilma Judy, Cindy Kimple, Mindy Koentopp, Cathy Lee, Mark Liu, Linda Martin, Elizabeth Martinez-Baeza, Kimberly Metetal, Edwin Nelson, Carol Poulin, Tina Ravenel, Mary Roach, Mary Rodriguez, Cheryl Rolland, Antonietta Sakcriska,

Irene Sanchez, Lucretia Silvers, Theodore Skidmore, Janet Smith, Nancy Stepper, Debbie Taylor, Regina Voudren, Traute Watson, and Suzanne Wilson.

c. The Court severs the claims of the following plaintiffs from *Gavin*: Diane Bennane, Phyllis Billingsley, Victoria Blum, Teresa Boulden, Annette Brugger, Angela Byrom, Carolyn Cabell, Alice Cobb, Linda Collins, Tamika Daniels, Henry David, Yvonne DeKlein, Maureen Di Francesco, Carmen Dorame, Korri Fields, Eloise Franklin, Sharinese Franklin-Jackson, Wanda Fulfer, Wendie Michelle Gates, Patricia Greer, Kevin Groce, Alaina Gubecka, Shirley Hayes, Cindy Hintz-Rush, Christine Janny, Alice Johnson, Connie Jones, Margaret Kelly, Vickie Krantman, Wiletta Langston, Gaynell Leath, Jacqueline Liley, Joni Linton, Laura MacDonald, Janet Maslowski, Vickie McNatt, Sherry Miller, Dixie Moore, Lorraine Ochoa, April Osterdock, Susan Owens, Belen Perez, Connie Phillips, Angela Redmond, Debra L. Riggins, Tammy Ross, Angie Sandoval, Susan VanDenBerg, Yvette White, and Diana Williams.

d. The Court severs the claims of the following plaintiffs from *Reising*: Ivette Babuca, Amber Briggs, Kathleen E. Bergen, Bernice Carmichael, Linda Chavez, Samirah Chtay, Frances I. Cullen, Pamela Cunningham, John Dysart, Glenda Easter, Kelly Eck, Charlene Emanuel, Rebecca Grande, Catherine Hamill, Penelope Lynne Hennon, Gloria-Ann Joos, Dana Carol Kirby, Kimberly Massetti, Linda Menefee, Jennifer Morgan, Carson Morton, Leslie Murray,

Jennifer Parison, Timothy Pieri, Patricia Porrazzo, Dustin Porterfield, Joy Richey, Diane Theresa Rippe, Susan Sadowski, Esther Rae Saylor, Desseree Scarlet, Mary Scimeca, Lauren Sparrow, Wilma L. Stafford, Crystal Stephens, Cynthia Taylor, Chanh Tran, Vicki Voyce, Evelyn Waddell, Debbie Wiest, Jo Wilder, Patti Wylie, and Kathleen Yancy.

e. The Court severs the claims of the following plaintiffs from *Gibson*: William Ayres, Dan Breshears, Brent J. Christensen and JoDale Skinner, Tamika Clark, Raymond P. Coots, Jill Corbin, Walter Croxton, Steven Cynewski, Danny Davis, Eva Foster, Paula Genovesi, Donna Hall, Susan Haluzak, Rita Houston, Michelle Hemmin, Dolores Hinojosa, Trinity Kelly, Deborah L. Meara, Donna Peterson, Allen Prescott, Cindy Rasmussen, Diann Robinson, William Robinson, Deshondra Salami, Alice Salas, Gregory Speicher, Janelle Stevens, Pamela Swecker Kinder, Janine Tollis, David Vanness, Archie Wellman, Brenda Sue White, Nancy White, Tracy Wood, and Debbie Wynn.

f. The Court severs the claims of the following plaintiffs from *Hittler*: Kimberly Abney, Theresa Allen, Bruce Armes, Susan Beenken, Audria Bell, Elda Brand, Yolanda Latrice Brown, Joyce Burgess, Elizabeth Cross, Gary Doiel, Marcia Farthing, Lavita Gilpin, Juana Guerrero, Jessica Gutierrez, Geraldine H. Hecker, Marcia T. Hess, Roderick Hill, Cynthia Isaguirre, Howard Jackson, David Peter Johnson, Joyce Knutson, Crystal Morgan, Marie Morgan, Sharon

Raley, Willisha Ruff, Paula Schuetz, Kristi Marie Shepherd, Glenda Steger, Sandra Stotts, Randel Thompson, Michelle Underell, Dollie Mae VanHoy, Kelly Christine Webb, Merrie White, Edna Whitehead, Pamela Y. Williams, Ricky Lynn Williams, and Lothar Myer.

g. The Court severs the claims of the following plaintiffs from *Benford*: Brenda Bailey, Sandra Barber, Philip Berry, Sandra Burkey, Ramona Burnett, Virginia Caggiano, Lisa Cherry, Beverly Dalton, Janice DeGroot, Karen Dostal, Don D. Dreer, Dramonda Dunn, Yolanda Espinoza, Aletha Freeman, Holly Freeman, Ray Garza, Sr., Patricia Golombek, Kathy Gray, Jonny Gutierrez, Linda Gutierrez, Hope Hussung, Karen Kelly, Aaron King, Peggy S. LaCour, Mary Ann Mantel, Neil Martinson, Brittany McDonald, Charlotte Metoyer, Jolie Molleur, Kelly Neuenswander, Thomas Newbraugh, Jeanette P. Nowakowski, Sharon Lee O'Conner, Ana Pavey, Stephen Piacenza, Cheryl Pogorelc, Carol Robinson, Arvid Rossell, Patricia Stalker, Kimberly Sweeney, Janet Vigorito, Yolanda Villarreal, Shirley J. Voyles, Charlotte M. Yezek, Richard Zurstadt, and Kourtney Moon.

h. The Court severs the claims of the following plaintiffs from *McConnell*: Erwin Austin, Pearl Baars, Michael Bearse, Victoria L. Bentley, Julia Bernal, Connie Boggs, Roseanna Camaioni, Brandy Cisneros, Deborah Claybaugh, Leah Croxton, Kathleen A. Curtin, Diane Dart-Baden, Ann Efflandt, Emma Evans, Regina M. Fusco, Gail Gebara, Susan Goman, Tony Chavez, Jr., Alice C. Goodrich, Beverly Harbaugh, Kathy Hodges, Susan Holtman, Martha J. Hood,

Cynthia Jones, Sylvia Jones, Natalie Brooke Kellogg, Judy Krasovec, Connie S. Kyncl, Diane Larson, Vanessa Lucero, Pamela Massingill, Lisa Matson, Jo Mattingly, Peggy McCullough, Veronica McIsaac, Viengxay Medina, Margaret Mehren, Linda S. Miller, Debra Myton, Helen Nicholson, Lou Phanor, Holly Sexton, Joyce Silber, Mary M. Sironen, Lorraine Souza, Justine Steele, Sharon Turley, Sandra Turner, Derek Wells, Cynthia Westbrook, Greg White, Annie Williams, Lorna Schlosser, Hayley Chambers, and Florence Mendoza.

i. The Court severs the claims of the following plaintiffs from *Kannady*: Dawn Barnett, Timothy Bart, Marilou Bell, Joen Blanton, Jenny Bonnici, Charlene Bradley, Michael Branowicki, Susan Brown, Joan Busch, Christy Carlson, Linda Caslin, Debra Charles, Haydee Marie Chiarolanza, Renee Ciulla, Roger Clark, Carol Condon, Sally Criner, Jerrlyn Culp, Sandra Cumby, Rose M. DiMarino, Theresa Dorn, Pamela Espinosa, Deborah L. Fox, Gail Giles, Teresa Hotchkiss, Julie Johnson, Diane Jones, Timothy Korth, Patricia Krocke, Ann Laplante, Joan Liechty, Maggie Luna, Susan Maddern, Jo-Ann Mallia-Stache, Karla Martin, Chris Mayfield, Janie McFarland, Elaine F. Miller, Jessica Morris, Juanita Mount, Joanne Nusser, Ann Pomeroy, Lori Prettypaint, Ellen Lynn Redding, Sandra Rice, Shonda Roddy, Rhonda Schneider, Rebecca Shaw, Deborah Skolaski, Debra Slate, Linda Speirs, Sharon Renee Starke, Joe Taschler, Margaret Thomas, Kristi Turner, Mitsy Waterman,

LaDonna Wilson, Deloris Worstell, Wayne Worth, and Patricia Zbichorski.

/s/ Freda L. Wolfson
FREDA L. WOLFSON
CHIEF UNITED STATES DISTRICT JUDGE